

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

December 28, 1987

Derek Wilkinson, P. Eng.
Environmental Engineer
The BresLube Group
P.O. Box 130
Breslau, Ontario
Canada NOB 1 MO

Dear Mr. Wilkinson:

This is in response to your letter of November 4, 1987, in which you requested clarification of the regulatory status of sludge generated by treatment of waste pickle liquor. This response of course is based solely on the United States Environmental Protection Agency's (EPA) regulations. If the Ontario Ministry of Environment has somehow modified the EPA rules, you will have to ask them for their interpretation of their rules.

The exemption for lime stabilized waste pickle liquor sludges (LSWPLS) under the "derived from" rule of 40 CFR 261.3(c)(2) was promulgated in the June 5, 1984 Federal Register (49 ER 23284). However, EPA amended the listing for spent pickle liquor (and thus the exemption discussed above) on August 3, 1987; in particular, EPA narrowed the scope of the listing (K062) to only apply to spent pickle liquor from steel finishing operations within the iron and steel industry (SIC Codes 331 and 332). See 52 FR 28697-28698. (By narrowing the scope of the listing for spent pickle liquor, EPA also narrowed the scope of the LSWPLS exemption accordingly.) From your letter, I am not sure whether your facility actually handles K062. If you do not accept K062, then your sludge would only be hazardous if it exhibits one of the characteristics at 40 CFR Part 261, Subpart C. If, however, you do accept K062, the remainder of this letter will address your other concerns.

LSWPLS is generated by a well-known treatment process involving lime neutralization of spent pickle liquor (K062) and flocculation, clarification, and often dewatering of the resulting sludge. Normally, solid wastes derived from the treatment of hazardous wastes are also hazardous wastes, per Section 261.3(c)(2)(i); however, LSWPLS is not regulated as K062 according to Section 261.3(c)(2)(ii). LSWPLS may still be a hazardous waste if it exhibits a hazardous characteristic as described in Part 261 Subpart C.

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You also asked whether your acceptance of other wastes or treatment with other chemicals in addition to lime would affect the regulatory status of the sludge. If you accept another listed waste, then the exemption in Section 261.3(c)(2)(ii) would not apply; that is, the sludge would be hazardous because it was derived from listed waste other than K062. However, if the other wastes or other materials are not hazardous, or are only hazardous by characteristic, then the derived-from rule would not come into play and the resulting sludge would only be hazardous if it exhibits one of the characteristics.

If you have further questions in this area, please contact Michael Petruska at (202) 475-8551.

Sincerely,

Marcia E. Williams
Director
Office of Solid Waste

cc: Waste Management Branch Chiefs
Regions I - X

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November 4, 1987

Ms. Marcia Williams
Director - Office at Solid Waste
United States E.P.A.
WH-562
401 M Street S.W.
Washington, D.C. 20460

Dear Ms Williams:

We are writing to request a written interpretation at 40 CFR Part 261.3.C dealing with the delisting of waste pickle liquor (Waste # K 062) when this material is mixed with lime.

In our process, we accept spent pickle liquor from steel finishing operations. This acid is generated from primary and secondary steel manufacturers, with our major sources being the pretreatment pickling baths tram galvanizing plants. We also accept a limited amount at caustic tram other metal working operations. This pickle liquor and caustic are then reacted with lime to form a lime slurry. This lime slurry is then mixed with other plant solid wastes, and the resulting mixture is sent to a landfill.

The final mixture is tested at the landfill by landfill personnel, and has consistently failed to exhibit any of the characteristics of a hazardous waste. Copies of the analytical reports from the landfill are attached, showing the leachate test results on this material. These indicate that this material is not hazardous. Samples of this waste which have been given to the Ontario MOE and EPA have also failed to display any hazardous characteristics.

At present we are going through a licensing review with the Ontario Government, and the classification of this material has been questioned. Because the Ontario MOE's Waste Management Branch has adapted the EPA hazardous waste definitions, they have asked us to obtain a written interpretation from the EPA in this matter.

At present we are reacting the pickle liquor, lime and caustic in one vessel. If this makes a difference in your interpretation, and some process changes would be needed for the resulting lime slurry to meet the non-hazardous standards, please also inform us as to what changes would be required.

If you need any further information about this matter, please contact Mr. Derek Wilkinson at 519-648-2291.

Thank you very much for your assistance in this matter.

Yours sincerely,

Derek Wilkinson, P. Eng.
Environmental Engineer
The BresLube Group

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